

**Dan Levy**

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**From:** Anthony H. Lowenberg [anthony.lowenberg@hsblaw.com]  
**Sent:** Wednesday, May 28, 2008 3:36 PM  
**To:** Dan Levy  
**Cc:** pbrown@bakerlaw.com; Ron Paltrowitz; mcarvalho@bakerlaw.com; John Bostany; Amy Davis  
**Subject:** RE: ePartners discovery responses

Hi Dan:

We have never shied from conferring with you on your stated outstanding discovery issues, and I refer you to the previous correspondence sent to you over the past days, which I see you did not include in the email chain below. We asked you some follow up questions that were never answered, and we tried to respond to your issues that we did understand. We will gladly have a tele-conference if you wish, but such a request raises a concern for us because past oral agreements and understandings have later been renounced or misremembered by members of your firm. So, to accommodate your wish, we will have at least two people on the call (likely Amy and myself), and we may tape record the conversation so there will be no doubt as to what was said.

Can we schedule for 9:30 am CST tomorrow (Thursday) instead of 9:00am? Please confirm that this is acceptable.

Regarding your list of concerns, here are a couple of items I can address in this email to get us started ahead of tomorrow's call:

-Plaintiff's Second Discovery Requests: Again: have you been able to determine how/when they were served and if you have a certificate of service or a transmittal letter? What does Jessica recall, since she signed them? In any event, we are in the process of preparing our responses and objections, and we expect to have those to you in a couple of weeks.

-Outstanding Supplemental Discovery Responses from ePartners: In response to our correspondence regarding personnel records (and the Court's agreement to our proposed compromise), we expect to have the available records to you in a few days.

-Attachments to Emails Produced: Our IT people are looking into what happened with the bates labeling of attachments on the documents produced, and I should have an answer for you at the time of the call tomorrow.

-Outstanding Discovery Responses from GMA: Do you have a response to our recent request for SharePoint documents and the test scripts database?

Thanks,

Anthony

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**From:** Dan Levy [mailto:dan.levy@bozlaw.com]  
**Sent:** Wednesday, May 28, 2008 9:21 AM  
**To:** Amy Davis  
**Cc:** pbrown@bakerlaw.com; Ron Paltrowitz; mcarvalho@bakerlaw.com; John Bostany; Anthony H. Lowenberg; Dan Levy

6/6/2008

**Subject:** RE: ePartners discovery responses

We continue to await a date and time to meet and confer prior to preparing a motion on these latest discovery issues.

As a reminder, I believe that we have already sent email correspondence on approximately 6 occasions and left voicemail messages inquiring about several significant discovery issues that are still pending. To date, we have not received meaningful responses regarding any of these issues.

Are you available today at 4pm or tomorrow at 10am (Eastern Time) for a meet and confer?

Your prompt attention to this matter is greatly appreciated.

Thanks,

Dan Levy

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**From:** John Bostany  
**Sent:** Saturday, May 24, 2008 9:34 AM  
**To:** 'Amy Davis'; 'Anthony H. Lowenberg'  
**Cc:** 'pbrown@bakerlaw.com'; Ron Paltrowitz; 'mcarvalho@bakerlaw.com'; Dan Levy  
**Subject:** ePartners discovery responses

Amy, Peter, Anthony and Melissa

Please provide a date and time that any of you can meet and confer with us about this issue as well as the issue concerning the documents responsive to our first requests that you continue to withhold. Dan attempted to meet and confer with several of you yesterday but was unsuccessful.

Thanks

John

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**From:** Dan Levy  
**Sent:** Friday, May 23, 2008 11:19 AM  
**To:** 'Amy Davis'; 'Anthony H. Lowenberg'  
**Cc:** John Bostany; 'pbrown@bakerlaw.com'; Ron Paltrowitz; 'mcarvalho@bakerlaw.com'; John Bostany; Dan Levy  
**Subject:** RE: GMA's responses to ePartners' discovery requests

We still have not received a response regarding our discovery requests.

Thanks,

Dan Levy

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**From:** Ron Paltrowitz  
**Sent:** Thursday, May 22, 2008 8:14 AM  
**To:** Amy Davis; Anthony H. Lowenberg; pbrown@bakerlaw.com; mcarvalho@bakerlaw.com  
**Cc:** John Bostany; Dan Levy  
**Subject:** FW: GMA's responses to ePartners' discovery requests

Amy Anthony Peter, Melissa:

We did not receive a reply to Mr. Levy's email below. Please call me to discuss your delinquent responses to our

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Second Requests for Documents and Answers to Interrogatories. I'd prefer not to bother Judge Kaplan with a motion unless this is absolutely necessary.

Thank you.

Ronald I. Paltrowitz, Esq.  
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**From:** Dan Levy  
**Sent:** Wednesday, May 21, 2008 11:43 AM  
**To:** 'Amy Davis'  
**Cc:** 'Anthony H. Lowenberg'; 'pbrown@bakerlaw.com'; 'mcarvalho@bakerlaw.com'; John Bostany; Ron Paltrowitz; Dan Levy  
**Subject:** RE: GMA's responses to ePartners' discovery requests

Amy:

We have not yet received ePartners' responses to GMA's Second Requests for Documents and Second Set of Interrogatories. As these requests were sent on March 20, ePartners' responses are very late.

I appreciate your prompt attention to this matter.

Thanks,

Dan Levy



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